

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Priority documents

Applicant respectfully requests that a specific indication of receipt of a copy of the certified copy of the priority documents from the International Bureau (as indicated on the Notice of Acceptance of Application under 35 U.S.C. 371 and 37 C.F.R. 1.495, mailed August 21, 2007) be provided in the next Office communication.

2. In the drawings

A. Amendments to the drawings

Drawing Figures 1-13 are amended by way of the REPLACEMENT SHEETS of pages 1-5 to correct informalities pointed out in the Office action and discovered upon further review, and to provide clear illustrations. It is respectfully submitted that no new matter is added as the amendments merely correct minor informalities and provide clear illustrations of elements that were shown in the drawings as originally filed.

Acceptance of the REPLACEMENT SHEETS is respectfully requested in the next Office communication.

B. Objection to the drawings

Reconsideration and removal of the objection to the drawings is respectfully requested, on the basis that the minor informality noted in the Office action of reference numerals being too small and difficult to read has been corrected by the above discussed amendments to the drawings.

Accordingly, removal of the drawing objections is respectfully requested.

3. In the claims

As shown in the foregoing LIST OF CURRENT CLAIMS, the claims have been amended to more clearly point out the subject matter for which protection is sought.

Claim 12 is amended to clarify that each of the four recited blades has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer. It is respectfully submitted that no new matter is added, since support for the amendments may be found, for example, at least in Figs. 1, 2, 8 through 11, and 13 of the pending application and, for example, at least on page 8, lines 6-7 of the accompanying description in the specification as originally filed.

Claims 13-22 are left unchanged.

Entry of the LIST OF CURRENT CLAIMS is respectfully requested in the next Office communication.

4. Rejection of claim 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. publication no. 2004/0049199 (*Lechot et al.*)

Reconsideration of this rejection is respectfully requested, in view of the amendment to claim 12, on the basis that the *Lechot* publication fails to disclose each and every recited feature of amended claim 12.

By way of review, amended claim 12 requires, at least in part, a surgical reamer that includes at least *four* flat blades assembled together by slots in the blades. Each of the four blades has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer. Further, at least one of the slots and/or sections of the slot or slots has a different width from that of at least one other slot and or section of a slot.

Turning to the *Lechot* publication, a surgical reamer is disclosed that is made up of *two* disks or plates 1, 2 perpendicularly assembled (Fig. 1; paragraph [0026]). Notwithstanding the interpretation provided in the Office action on page 3, where each halve of the disks or plates 1, 2 is identified as a “blade,” it is respectfully submitted that the *Lechot* publication discloses only *two* blades.

Further, in view of the clarifying amendment to claim 12 that each of the *four* blades has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer, it is respectfully submitted that even if the interpretation provided in the Office action on page 3 that the *Lechot* publication discloses four blades is

accepted, the *Lechot* publication fails to disclose that each of the four blades has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer, as is required by amended claim 12.

In particular, while the *Lechot* publication may disclose *two* blades (plates or disks 1, 2) having a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer (Fig. 11, paragraph [0047]), there is simply no disclosure in the *Lechot* publication of *four* blades having a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer, as is required by amended claim 12.

Specifically, if the interpretation in the Office action that each halve of the disks 1, 2 is a blade is accepted, then none of the blades have a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer, as is required by amended claim 12.

Further still, while the *Lechot* publication does disclose that each of the *two* plates or disks 1, 2 are split down the middle, along a radius leading to a central *circular cut* 3, the *Lechot* publication fails to disclose at least one of the slots and/or sections of the slot or slots has a different width from that of at least one other slot and or section of a slot, as is required by amended claim 12.

In particular, the central circular holes 3 cannot be considered to be slots, as a slot would be understood by a person having ordinary skill in the art, and consistent with the specification and claims. A slot as is understood by a person having ordinary skill in the art, and consistent with the specification and claims, is considered to be a narrow passage, not a circular hole.

Further, the Office action appears to indicate that the top of the disk 30 (which appears to be a reference to the divergence of the split 31 of one disk on the plane of the other disk, paragraph [0028]) is considered to be a different slot from the split 31, or somehow has a different width from the split 31. There is no basis for this interpretation in the *Lechot* publication. From the Figures of the *Lechot* publication, it is clear that the split 31 has a constant width from the central hole 3 to the top of the disk 30. The fact that the split 31 diverges out of plane near the top 30 does not mean that the width of the split is wider at the top 30 than near the central hole 3.

In view of the above discussion, it is respectfully submitted that the *Lechot* publication fails to disclose that each of four blades has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer and at least one of the slots and/or sections of the slot or slots has a different width from that of at least one other slot and or section of a slot, all as required by amended claim 12. Accordingly, withdrawal of this rejection is respectfully requested.

5. Rejection of claims 13-22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. publication no. 2004/0049199 (*Lechot et al.*) in view of U.S. patent no. 5,897,558 (*Frieze et al.*)

Reconsideration of this rejection is respectfully requested on the basis that the rejection fails to establish a *prima facie* case of obviousness with respect to amended claim 12, from which claims 13-22 depend.

In particular, the *Frieze* patent fails to provide for the deficiencies of the *Lechot* publication discussed above in detail with respect to amended claim 12.

In particular, the *Frieze* patent fails to disclose that each of four blades has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer and at least one of the slots and/or sections of the slot or slots has a different width from that of at least one other slot and or section of a slot, all as required by amended claim 12.

Turning to the *Frieze* patent, an acetabular reamer having first and second sets of three semi-circular blades is disclosed (Figs. 1 and 2; abstract; col. 3, lines 56-56). Each of the blades of the first set of blades includes three inwardly facing slots 54a, 54b, 54c that correspond to the three outwardly facing slots 74a, 74b, 74c on each of the blades of the second set of blades, so that the sets of blades can be assembled together (Figs. 1, 2, 4-8, 10A, 10B, and 11A-11F; col. 4, lines 12-40).

While the *Frieze* patent discloses six cutter blades 20, 22, 24, 28, 30, 32, only two of these cutter blades, the major blades 20 and 28 from each set, has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer.

While the other blades 22, 24, 30, 32 do have an axis of symmetry, the axis of symmetry is not coincident with the axis of rotation of the reamer.

Thus, even if the teachings of the *Frieze* patent are applied to the reamer of the *Lechot* publication, the proposed combination would fail to disclose that each of four blades has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer, as is required by amended claim 12.

Further, as can be seen in Figs. 2, 4-6, 8, 10A, 10B, and 11A-11F, all of slots 54a, 54b, 54c, 74a, 74b, 74c on each of the blades has the same width, in contrast to amended claim 12, which requires at least one of the slots and/or sections of the slot or slots has a different width from that of at least one other slot and or section of a slot.

There is simply no discussion in the *Frieze* patent of providing slots 54a, 54b, 54c, 74a, 74b, 74c having different widths.

Accordingly, it is respectfully submitted that the proposed combination of the *Lechot* publication and the *Frieze* patent fails to disclose each of four blades has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer and at least one of the slots and/or sections of the slot or slots has a different width from that of at least one other slot and or section of a slot, all as required by amended claim 12.

Thus, a *prima facie* case of obviousness cannot be established with respect to amended claim 12, from which claims 13-22 depend, and withdrawal of this rejection is respectfully requested.

Further, with respect to claim 13, since neither the *Lechot* publication nor the *Frieze* patent discloses each of four blades has a longitudinal axis of symmetry that is coincident with an axis of rotation of the reamer and at least one of the slots and/or sections of the slot or slots has a different width from that of at least one other slot and or section of a slot, it is respectfully submitted that the proposed combination of the *Lechot* publication and the *Frieze* patent fails to disclose the specific blade and slot configuration recited in claim 13.

Specifically, neither the *Lechot* publication nor the *Frieze* patent discloses any blade having a slot running from the top of the blade, and a slot running from the lower edge of the blade, as is required of the third blade recited in claim 13.

Further, the specifically recited slot configurations in claim 13 are provided to allow the first and second blade to be assembled together, and then assembled with the third and fourth blades.

There is simply no disclosure in either the *Lechot* publication or the *Frieze* patent of first and second blade assembled together, and then assembled with the third and fourth blades, as is required by claim 13.

Accordingly, for the reasons discussed above, it is respectfully submitted that the proposed combination of the *Lechot* publication and the *Frieze* patent fails to establish a *prima facie* case of obviousness with respect to claim 13, and withdrawal of this rejection is respectfully requested.

Further still, with respect to claim 22, there is no disclosure in either the *Lechot* publication or the *Frieze* patent of a lower part of a blade being narrower than a cutting part of the blade. Accordingly, a *prima facie* case of obviousness cannot be established with respect to claim 22, and withdrawal of this rejection is respectfully requested.

6. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

Please charge any additional fees required or credit any overpayments in connection with this paper to Deposit Account No. 02-0200.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,  
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